

Application: 10/711,913

Attorney Docket No. 112.P77093

REMARKS

The current patent application has been reviewed in light of the Office Action, referenced above (hereinafter "the office action"). In the office action, claims 1-9 are rejected under 35 U.S.C. §102(b) as being anticipated by Miyasaka et al., U.S. Patent No. 4,330,219 (hereinafter "Miyasaka"). Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Miyasaka in view of Clements, U.S. Patent No. 2,148,014 (hereinafter "Clements"). Reconsideration of the present patent application in light of the amendments above and the remarks below is respectfully requested.

Claims 1-24 are currently pending. Claims 1, 3, and 8-9 have been amended. Claim 6 has been cancelled. Claims 10-24 have been added. No new matter has been added, and support for new claims 10-24 can be found throughout the specification. Assignee has amended claims to more clearly delineate intended subject matter.

Claim Rejections Under 35 U.S.C. §102(b)

Claims 1-9 are rejected under 35 U.S.C. §102(b) as being anticipated by Miyasaka. Miyasaka describes an upper cover for a printer, and discloses the use of a shaft and spring assembly to counterbalance the weight of the upper cover to aid a user in lifting the upper cover (see column 1, line 33 through column 2, line 8). However, there is no disclosure of an upper body capable of being positioned at any of a range of angles relative to a body due to friction between a support shaft and a support block, as claimed in the present application. In various embodiments disclosed in the present application, the friction forces provided by a tight fitting support shaft are used to statically position an upper body at any of a range of angles. No such principle is taught in Miyasaka. Because Miyasaka does not disclose an upper body capable of being positioned at any of a range of angles due to friction between a

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support shaft and a support block, claims 1-24 are not anticipated by Miyasaka, and the Assignee respectfully requests that the rejections to claims 1-9 be withdrawn.

Claim Rejections Under 35 U.S.C. §103(a)

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Miyasaka in view of Clements. However, as discussed above, Miyasaka does not disclose an upper body capable of being positioned at any of a range of angles due to friction between a support shaft and a support block, as claimed in the present application. Clements also does not disclose these limitations. Therefore, any combination of Miyasaka and Clements would not yield all of the elements of independent claims 1 and 14. Therefore, claims 1 and 14, and the claims that depend from them, are patentably distinguished over Miyasaka and Clements.

It is noted that claimed subject matter may be patentably distinguished from the cited patents for additional reasons; however, the foregoing is believed to be sufficient. Likewise, it is noted that the Assignee's failure to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions.

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CONCLUSION

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In view of the foregoing, it is respectfully asserted that all of the claims pending in the present patent application are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 439-6500. Entry of this amendment and reconsideration of the present patent application in view of the same, and early allowance of all the claims is respectfully requested. Please charge any underpayments or credit any overpayments to deposit account no. 50-3703.

Respectfully submitted,

Date: 1/19/07/Calvin E. Wells Reg. No. 43,256/Calvin E. Wells
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